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DEPARTMENT OF STATE

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*MI**Cuba*

JUL 8 1947

WFO DIVISION

AIR MAIL

Rec'd DC/L

June 25, 1947

12:08 p.m. No. 4090

AMERICAN EMBASSY  
Habana, Cuba, June 17, 1947ACTION: Subject: Note Transmitted to Cuban Ministry of State  
ITF Regarding Projected Extension of Territory

INFO:

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**CONFIDENTIAL**The Honorable  
The Secretary of State,  
Washington, D. C.Pol-  
A-0-0-0

Sir:

I have the honor to refer to the Department's instruction No. 1431 of June 3, 1947, setting forth the Department's views on a proposed amendment to the Cuban Constitution which would extend the national territory and which may imply an intention to extend national claims with respect to territorial waters. This instruction embodied the text of a note which it was suggested the Embassy might deliver to the Cuban Ministry of State. After a preliminary conversation between an officer of the Embassy and Dr. Nemesio Lledo, Chief of the Political Section of the Ministry of State, which is summarized in a memorandum attached herewith, the note was forwarded, the exact text as furnished by the Department being used with the addition only of an introductory and of a closing paragraph.

It may be remarked that, like Dr. Lledo, officials of the Ministry of Agriculture feel off-hand that the proposed amendment to the Cuban Constitution does not affect jurisdiction over waters; but this intimation should not be considered an authorized opinion of the Cuban Government.

The Embassy would be interested to learn the Department's views as to whether, if waters were to prove not to be affected, the figure of two hundred fathoms (rather than one hundred fathoms, as in President Truman's proclamation) with respect to submarine soil rights would appear objectionable from our point of view. Similarly, would the American Government regard it as a matter of consequence that where our proclamation asserts "jurisdiction and control" the

proposed

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proposed Cuban constitutional amendment includes submarine  
soils within the national territory?

The Embassy will report promptly regarding any reply  
the Cuban Government may furnish in this connection.

Respectfully yours,

For the Chargé d'Affaires a.i.:

H. Bartlett Wells  
Second Secretary of Embassy

Enclosure:

Memorandum of conversation between an officer of  
the Embassy and Dr. Nemesio Lado of the Ministry  
of State.

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Original and hectograph  
to Department

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**CONFIDENTIAL****MEMORANDUM**

**Proposed Cuban Amendment to Extend  
 National Territory**

I visited Dr. Ledo, Chief of the Political Section of the Cuban Ministry of State, this morning to discuss the possible interpretation of a proposed amendment to Article III of the Cuban Constitution, regarding national territory.

Article III, if amended, would read in translation as follows:

"The territory of the Republic is composed of the Island of Cuba, the Isle of Pines, and the other adjacent islands and keys which, with them, were under the sovereignty of Spain until the ratification of the Treaty of Paris on December 10, 1898, and the insular shelves (plataformas insulares) corresponding to those islands and keys up to those points at which the depth of the sea is two hundred marine fathoms."

I asked him whether in his personal and informal opinion the additional text implied that Cuba intended to extend its territorial waters to cover all those which lay above the insular shelves referred to. He replied that the proposed text contained no mention of waters.

I then asked him whether, in case we inquired formally regarding this question, a formal opinion in reply might be furnished. He explained that in the first place, the Executive would be very reluctant to furnish such an opinion without prior consultation with the Legislature regarding the matter, as the question was one which fell largely within the competence of the Legislature. He felt that it would not be possible to furnish an interpretation while the amendment should remain in the form of a proposal, and that it would be necessary to await the passage of the bill.

Since we had certain considerations to advance with respect to the question of territorial waters, and especially to fisheries rights, I suggested to him that we might present our entire case. If the answer of the Cuban Government, after study of the matter, were to be that an extension of territorial waters was not contemplated in the proposed amendment, the questions which were of concern to us would be largely qualified (though there would remain the difference between our assertion of jurisdiction and control over the subsoil within the 100 fathom limit, and theirs of national territorial

rights

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rights over the subsoil out to the 200 fathom limit). On the other hand, if the proposed amendment should be intended to affect the waters above the subsoil as well as the subsoil itself, our presentation would be applicable and might receive the Cuban Government's consideration in its entirety. Dr. Lede felt that this would be a suitable way of handling the matter.

It is therefore suggested that we present the note of which the text has been received from the Department of State.

H. B. W.

HB:ells/hmp

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